

**This Page is Inserted by IFW Indexing and Scanning
Operations and is not part of the Official Record**

BEST AVAILABLE IMAGES

Defective images within this document are accurate representations of the original documents submitted by the applicant.

Defects in the images include but are not limited to the items checked:

- BLACK BORDERS**
- IMAGE CUT OFF AT TOP, BOTTOM OR SIDES**
- FADED TEXT OR DRAWING**
- BLURRED OR ILLEGIBLE TEXT OR DRAWING**
- SKEWED/SLANTED IMAGES**
- COLOR OR BLACK AND WHITE PHOTOGRAPHS**
- GRAY SCALE DOCUMENTS**
- LINES OR MARKS ON ORIGINAL DOCUMENT**
- REFERENCE(S) OR EXHIBIT(S) SUBMITTED ARE POOR QUALITY**
- OTHER: _____**

IMAGES ARE BEST AVAILABLE COPY.

As rescanning these documents will not correct the image problems checked, please do not report these problems to the IFW Image Problem Mailbox.



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 09/842,801 | 04/27/2001 | Laurent Baretzki | 206483US2X | 2836 |
| 22850 | 7590 | 09/07/2004 | EXAMINER | |
| OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314 | | | NGUYEN, HAI V | |
| | | ART UNIT | PAPER NUMBER | |
| | | 2142 | | |

DATE MAILED: 09/07/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

| Office Action Summary | Application No. | Applicant(s) | |
|------------------------------|------------------------|---------------------|--|
| | 09/842,801 | BARETZKI, LAURENT | |
| Examiner | Art Unit | | |
| Hai V. Nguyen | 2142 | | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 27 April 2001.

2a) This action is **FINAL**. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-16 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 1-16 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.

 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 10/23/01.

4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ .

5) Notice of Informal Patent Application (PTO-152)

6) Other: ____ .

DETAILED ACTION

1. This Office Action is in response to the application filed on 27 April 2001.
2. Claims 1-16 are presented for examination.

Claim Objections

3. Claims 5-16 are objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim can not depend from any other multiple dependent claim. See MPEP § 608.01(n). Accordingly, the claims 5-16 have not been further treated on the merits.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
5. Claim 1 recites the limitation "... one a network and the other a standby line, **said means** mutually exchanging..." in claim 1. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102(e) that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

7. Claims 1-16 are rejected under 35 U.S.C. 102(e) as being anticipated by

Chambers et al. U.S. patent no. 6,480,473 B1.

8. As to claim 1, Chambers, Verification Of Active Nodes In An Open Network, teaches substantially the invention as claimed, including device for digital input and output data management (*software routine*), including first management means (*predecessor node*) and second management means (*successor node*) connected to each other via two interfaces, one a network and the other a standby line (*a network and a logical sequence link or sub link*), said means (*nodes*) mutually exchanging polling messages (*tokens*) via these two interfaces, said first means being considered to be defective by said second means when they no longer sends messages during a given time interval (*polling cycle*) on at least one of said two interfaces, characterized in that it includes at least one algorithm (*a protocol or healing routine*) to reset said first and second means, the defective means being deactivated and the other means activated during the reset after detection of a failure (*Abstract, col. 1, line 58 – col. 4, line 55*).

9. As to claim 2, Chambers teaches, wherein said reset algorithm is included in said first means and is activated by said second means, the memory address of the algorithm being accessible from these second means (*Abstract, col. 1, line 58 – col. 4, line 55; col. 8, lines 7-36*).

10. As to claim 3, Chambers teaches, wherein said reset algorithm is also included in said second means (*the protocol running in a background mode at each node, col. 15, lines 1-37*).

11. As to claim 4, Chambers teaches, wherein on initialization of its operation, said first means have the role of master and said seconds means have the role

of slave, with the master managing the input and output data (*Abstract, col. 1, line 58 – col. 4, line 55; col. 8, lines 7-55*).

12. As to claim 5, Chambers teaches, wherein said means are connected to one or more systems via said network (*Abstract, col. 1, line 58 – col. 4, line 55; col. 8, lines 7-55*).

13. As to claim 6, Chambers teaches, wherein said means are connected to one or more systems via one or more serial links, a "Y split cable" connecting a given port of said first and second means to each system (*Abstract, col. 1, line 58 – col. 4, line 55; col. 8, lines 7-55*).

14. As to claim 7, Chambers teaches, wherein said means have the same functions and include the same software and same configuration files (*Abstract, col. 1, line 58 – col. 4, line 55; col. 8, lines 7-55*).

15. As to claim 8, Chambers teaches, wherein when one of said means are detected as being defective by the other means, the latter deactivate the defective means (*Abstract, col. 1, line 58 – col. 4, line 55; col. 8, lines 7-55*).

16. As to claim 9, Chambers teaches, wherein when said means detected as being defective are the master, said slave means deactivate the master's inputs/outputs and active their own inputs/outputs (*Abstract, col. 1, line 58 – col. 4, line 55; col. 8, lines 7-55*).

17. As to claim 10, Chambers teaches, wherein said polling messages, the transmission interval between these messages, and the time limit between two messages are stored in a configuration file contained in both the said first and second means, possibly with several sets of such parameters being stored to

serve different applications (*Abstract, col. 1, line 58 – col. 4, line 55; col. 8, lines 7-55*).

18. As to claim 11, Chambers teaches, characterized in that at initialization of said means, the parameters specific to an application are loaded into a RAM memory (*Abstract, col. 1, line 58 – col. 4, line 55; col. 8, lines 7-55*).

19. As to claim 12, Chambers teaches, characterized in that it includes means of alert to warn of a failure (*Abstract, col. 1, line 58 – col. 4, line 55; col. 8, lines 7-55*).

20. As to claim 13, Chambers teaches, wherein said network is a digital local area network (*Chambers, network, Abstract, col. 1, line 58 – col. 4, line 55; col. 8, lines 7-55*).

21. As to claim 14, Chambers teaches, wherein said means of input/output data management are data routers (*nodes, Abstract, col. 1, line 58 – col. 4, line 55; col. 8, lines 7-55*).

22. As to claim 15, Chambers teaches, wherein said routers operate in open (Open Communication Processor) mode (*Open Network, Abstract, col. 1, line 58 – col. 4, line 55; col. 8, lines 7-55*).

23. As to claim 16, Chambers teaches, wherein said means of input/output data management are data servers (*nodes, Abstract, col. 1, line 58 – col. 4, line 55; col. 8, lines 7-55*).

Claim Rejections - 35 USC § 102

24. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102(e) that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

25. Claims 1-16 are rejected under 35 U.S.C. 102(e) as being anticipated by **Hirst et al. U.S. patent no. 6,173,411 B1.**

26. As to claim 1, Hirst, Method And System For Fault-Tolerant Network Connection Switchers, teaches substantially the invention as claimed, including device for digital input and output data management (*link manager*), including first management means (*primary connection*) and second management means (*secondary connection*) connected to each other via two interfaces, one a network and the other a standby line (*a network and backup link*), said means (*switches*) mutually exchanging polling messages (*messages*) via these two interfaces, said first means being considered to be defective by said second means when they no longer sends messages during a given time interval (*periodic communication*) on at least one of said two interfaces, characterized in that it includes at least one algorithm (*link manager*) to reset said first and second means, the defective means being deactivated and the other means activated during the reset after detection of a failure (*Abstract, col. 2, line 43 – col. 3, line 29; col. 4, line 4 – col. 5, line 11; col. 6, lines 55 – col. 7, line 14*).

27. As to claim 2, Hirst teaches, wherein said reset algorithm is included in said first means and is activated by said second means, the memory address of the algorithm being accessible from these second means (*Abstract, col. 2, line 43 – col. 3, line 29; col. 4, line 4 – col. 5, line 11; col. 6, lines 55 – col. 7, line 14*).

28. As to claim 3, Hirst teaches, wherein said reset algorithm is also included in said second means (*Abstract, col. 2, line 43 – col. 3, line 29; col. 4, line 4 – col. 5, line 11; col. 6, lines 55 – col. 7, line 14*).

29. As to claim 4, Hirst teaches, wherein on initialization of its operation, said first means have the role of master and said seconds means have the role of slave, with the master managing the input and output data (*Abstract, col. 2, line 43 – col. 3, line 29; col. 4, line 4 – col. 5, line 11; col. 6, lines 55 – col. 7, line 14*).

30. As to claim 5, Hirst teaches, wherein said means are connected to one or more systems via said network (*Abstract, col. 2, line 43 – col. 3, line 29; col. 4, line 4 – col. 5, line 11; col. 6, lines 55 – col. 7, line 14*).

31. As to claim 6, Hirst teaches, wherein said means are connected to one or more systems via one or more serial links, a "Y split cable" connecting a given port of said first and second means to each system (*Abstract, col. 2, line 43 – col. 3, line 29; col. 4, line 4 – col. 5, line 11; col. 6, lines 55 – col. 7, line 14*).

32. As to claim 7, Hirst teaches, wherein said means have the same functions and include the same software and same configuration files (*Abstract, col. 2, line 43 – col. 3, line 29; col. 4, line 4 – col. 5, line 11; col. 6, lines 55 – col. 7, line 14*).

33. As to claim 8, Hirst teaches, wherein when one of said means are detected as being defective by the other means, the latter deactivate the

defective means (*Abstract, col. 2, line 43 – col. 3, line 29; col. 4, line 4 – col. 5, line 11; col. 6, lines 55 – col. 7, line 14*).

34. As to claim 9, Hirst teaches, wherein when said means detected as being defective are the master, said slave means deactivate the master's inputs/outputs and active their own inputs/outputs (*Abstract, col. 2, line 43 – col. 3, line 29; col. 4 – col. 5, line 11; col. 6, lines 55 – col. 7, line 14*).

35. As to claim 10, Hirst teaches, wherein said polling messages, the transmission interval between these messages, and the time limit between two messages are stored in a configuration file contained in both the said first and second means, possibly with several sets of such parameters being stored to serve different applications (*Abstract, col. 2, line 43 – col. 3, line 29; col. 4, line 4 – col. 5, line 11; col. 6, lines 55 – col. 7, line 14*).

36. As to claim 11, Hirst teaches, characterized in that at initialization of said means, the parameters specific to an application are loaded into a RAM memory (*Abstract, col. 2, line 43 – col. 3, line 29; col. 4, line 4 – col. 5, line 11; col. 6, lines 55 – col. 7, line 14*).

37. As to claim 12, Hirst teaches, characterized in that it includes means of alert to warn of a failure (*Abstract, col. 2, line 43 – col. 3, line 29; col. 4, line 4 – col. 5, line 11; col. 6, lines 55 – col. 7, line 14*).

38. As to claim 13, Hirst teaches, wherein said network is a digital local area network (*Abstract, col. 2, line 43 – col. 3, line 29; col. 4, line 4 – col. 5, line 11; col. 6, lines 55 – col. 7, line 14*).

39. As to claim 14, Hirst teaches, wherein said means of input/output data management are data routers (*Abstract, col. 2, line 43 – col. 3, line 29; col. 4, line 4 – col. 5, line 11; col. 6, lines 55 – col. 7, line 14*).

40. As to claim 15, Hirst teaches, wherein said routers operate in open (Open Communication Processor) mode (*Abstract, col. 2, line 43 – col. 3, line 29; col. 4, line 4 – col. 5, line 11; col. 6, lines 55 – col. 7, line 14*).

41. As to claim 16, Hirst teaches, wherein said means of input/output data management are data servers (*Abstract, col. 2, line 43 – col. 3, line 29; col. 4, line 4 – col. 5, line 11; col. 6, lines 55 – col. 7, line 14*).

Claim Rejections - 35 USC § 102

42. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102(e) that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

43. Claims 1-16 are rejected under 35 U.S.C. 102(e) as being anticipated by **McDowell et al. U.S. patent no. 6,266,785 B1.**

44. As to claim 1, McDowell, File System Filter Driver Apparatus and Method, teaches substantially the invention as claimed, including device for digital input and output data management (*computing device*), including first management means (*primary computer*) and second management means (*secondary computer*) connected to each other via two interfaces, one a network and the

other a standby line (*a network and shared disk drive*), said means (*computers*) mutually exchanging polling messages (*confirmation logic*) via these two interfaces, said first means being considered to be defective by said second means when they no longer sends messages during a given time interval (*during loading*) on at least one of said two interfaces, characterized in that it includes at least one algorithm (*failure detecting logic, fail-over invoking logic*) to reset said first and second means, the defective means being deactivated and the other means activated during the reset after detection of a failure (*Abstract, col. 2, lines 5-36; col. 3, lines 1-16; col. 3, line 54 – col. 4, line 40; col. 4, line 52 – col. 5, line 24; col. 5, line 53 – col. 6, line 2*).

45. As to claim 2, McDowell teaches, wherein said reset algorithm is included in said first means and is activated by said second means, the memory address of the algorithm being accessible from these second means (*Abstract, col. 2, lines 5-36; col. 3, lines 1-16; col. 3, line 54 – col. 4, line 40; col. 4, line 52 – col. 5, line 24; col. 5, line 53 – col. 6, line 2*).

46. As to claim 3, McDowell teaches, wherein said reset algorithm is also included in said second means (*Abstract, col. 2, lines 5-36; col. 3, lines 1-16; col. 3, line 54 – col. 4, line 40; col. 4, line 52 – col. 5, line 24; col. 5, line 53 – col. 6, line 2*).

47. As to claim 4, McDowell teaches, wherein on initialization of its operation, said first means have the role of master and said seconds means have the role of slave, with the master managing the input and output data (*Abstract, col. 2,*

lines 5-36; col. 3, lines 1-16; col. 3, line 54 – col. 4, line 40; col. 4, line 52 – col. 5, line 24; col. 5, line 53 – col. 6, line 2).

48. As to claim 5, McDowell teaches, wherein said means are connected to one or more systems via said network (*Abstract, col. 2, lines 5-36; col. 3, lines 1-16; col. 3, line 54 – col. 4, line 40; col. 4, line 52 – col. 5, line 24; col. 5, line 53 – col. 6, line 2*).

49. As to claim 6, McDowell teaches, wherein said means are connected to one or more systems via one or more serial links, a "Y split cable" connecting a given port of said first and second means to each system (*Abstract, col. 2, lines 5-36; col. 3, lines 1-16; col. 3, line 54 – col. 4, line 40; col. 4, line 52 – col. 5, line 24; col. 5, line 53 – col. 6, line 2*).

50. As to claim 7, McDowell teaches, wherein said means have the same functions and include the same software and same configuration files (*Abstract, col. 2, lines 5-36; col. 3, lines 1-16; col. 3, line 54 – col. 4, line 40; col. 4, line 52 – col. 5, line 24; col. 5, line 53 – col. 6, line 2*).

51. As to claim 8, McDowell teaches, wherein when one of said means are detected as being defective by the other means, the latter deactivate the defective means (*Abstract, col. 2, lines 5-36; col. 3, lines 1-16; col. 3, line 54 – col. 4, line 40; col. 4, line 52 – col. 5, line 24; col. 5, line 53 – col. 6, line 2*).

52. As to claim 9, McDowell teaches, wherein when said means detected as being defective are the master, said slave means deactivate the master's inputs/outputs and active their own inputs/outputs (*Abstract, col. 2, lines 5-36*;

col. 3, lines 1-16; col. 3, line 54 – col. 4, line 40; col. 4, line 52 – col. 5, line 24; col. 5, line 53 – col. 6, line 2).

53. As to claim 10, McDowell teaches, wherein said polling messages, the transmission interval between these messages, and the time limit between two messages are stored in a configuration file contained in both the said first and second means, possibly with several sets of such parameters being stored to serve different applications (*Abstract*, col. 2, lines 5-36; col. 3, lines 1-16; col. 3, line 54 – col. 4, line 40; col. 4, line 52 – col. 5, line 24; col. 5, line 53 – col. 6, line 2).

54. As to claim 11, McDowell teaches, characterized in that at initialization of said means, the parameters specific to an application are loaded into a RAM memory (*Abstract*, col. 2, lines 5-36; col. 3, lines 1-16; col. 3, line 54 – col. 4, line 40; col. 4, line 52 – col. 5, line 24; col. 5, line 53 – col. 6, line 2).

55. As to claim 12, McDowell teaches, characterized in that it includes means of alert to warn of a failure (*Abstract*, col. 2, lines 5-36; col. 3, lines 1-16; col. 3, line 54 – col. 4, line 40; col. 4, line 52 – col. 5, line 24; col. 5, line 53 – col. 6, line 2).

56. As to claim 13, McDowell teaches, wherein said network is a digital local area network (*Abstract*, col. 2, lines 5-36; col. 3, lines 1-16; col. 3, line 54 – col. 4, line 40; col. 4, line 52 – col. 5, line 24; col. 5, line 53 – col. 6, line 2).

57. As to claim 14, McDowell teaches, wherein said means of input/output data management are data routers (*Abstract*, col. 2, lines 5-36; col. 3, lines 1-16;

col. 3, line 54 – col. 4, line 40; col. 4, line 52 – col. 5, line 24; col. 5, line 53 – col. 6, line 2).

58. As to claim 15, McDowell teaches, wherein said routers operate in open (Open Communication Processor) mode (*Abstract, col. 2, lines 5-36; col. 3, lines 1-16; col. 3, line 54 – col. 4, line 40; col. 4, line 52 – col. 5, line 24; col. 5, line 53 – col. 6, line 2*).

59. As to claim 16, McDowell teaches, wherein said means of input/output data management are data servers (*Abstract, col. 2, lines 5-36; col. 3, lines 1-16; col. 3, line 54 – col. 4, line 40; col. 4, line 52 – col. 5, line 24; col. 5, line 53 – col. 6, line 2*).

Claim Rejections - 35 USC § 102

60. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102(e) that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

61. Claims 1-16 are rejected under 35 U.S.C. 102(e) as being anticipated by **Robins et al. U.S. patent no. 6,467,049 B1.**

62. As to claim 1, Robins, Method And Apparatus For Configuration In Multi Processing Engine Computer Systems, teaches substantially the invention as claimed, including device for digital input and output data management (*switching circuitry*), including first management means (*primary PE*) and second

management means (secondary *PE*) connected to each other via two interfaces, one a network and the other a standby line (*a network and a bus*), said means (*PEs*) mutually exchanging polling messages (*the primary PE is handling all routing functions, and the secondary PE is monitoring the primary PE waiting for it to fail*) via these two interfaces, said first means being considered to be defective by said second means when they no longer sends messages during a given time interval on at least one of said two interfaces, characterized in that it includes at least one algorithm (*configuration engine*) to reset said first and second means, the defective means being deactivated and the other means activated during the reset after detection of a failure (*Abstract, col. 3, line 52 – col. 4, line 10; col. 5, line 15 – col. 6, line 64; col. 8, line 62 – col. 9, line 13; col. 10, line 66 – col. 11, line 55; col. 12, lines 30-49*).

63. As to claim 2, Robins teaches, wherein said reset algorithm is included in said first means and is activated by said second means, the memory address of the algorithm being accessible from these second means (*Abstract, col. 3, line 52 – col. 4, line 10; col. 5, line 15 – col. 6, line 64; col. 8, line 62 – col. 9, line 13; col. 10, line 66 – col. 11, line 55; col. 12, lines 30-49*).

64. As to claim 3, Robins teaches, wherein said reset algorithm is also included in said second means (*Abstract, col. 3, line 52 – col. 4, line 10; col. 5, line 15 – col. 6, line 64; col. 8, line 62 – col. 9, line 13; col. 10, line 66 – col. 11, line 55; col. 12, lines 30-49*).

65. As to claim 4, Robins teaches, wherein on initialization of its operation, said first means have the role of master and said seconds means have the role

of slave, with the master managing the input and output data (*Abstract, col. 3, line 52 – col. 4, line 10; col. 5, line 15 – col. 6, line 64; col. 8, line 62 – col. 9, line 13; col. 10, line 66 – col. 11, line 55; col. 12, lines 30-49*).

66. As to claim 5, Robins teaches, wherein said means are connected to one or more systems via said network (*Abstract, col. 3, line 52 – col. 4, line 10; col. 5, line 15 – col. 6, line 64; col. 8, line 62 – col. 9, line 13; col. 10, line 66 – col. 11, line 55; col. 12, lines 30-49*).

67. As to claim 6, Robins teaches, wherein said means are connected to one or more systems via one or more serial links, a "Y split cable" connecting a given port of said first and second means to each system (*Abstract, col. 3, line 52 – col. 4, line 10; col. 5, line 15 – col. 6, line 64; col. 8, line 62 – col. 9, line 13; col. 10, line 66 – col. 11, line 55; col. 12, lines 30-49*).

68. As to claim 7, Robins teaches, wherein said means have the same functions and include the same software and same configuration files (*Abstract, col. 3, line 52 – col. 4, line 10; col. 5, line 15 – col. 6, line 64; col. 8, line 62 – col. 9, line 13; col. 10, line 66 – col. 11, line 55; col. 12, lines 30-49*).

69. As to claim 8, Robins teaches, wherein when one of said means are detected as being defective by the other means, the latter deactivate the defective means (*Abstract, col. 3, line 52 – col. 4, line 10; col. 5, line 15 – col. 6, line 64; col. 8, line 62 – col. 9, line 13; col. 10, line 66 – col. 11, line 55; col. 12, lines 30-49*).

70. As to claim 9, Robins teaches, wherein when said means detected as being defective are the master, said slave means deactivate the master's

inputs/outputs and active their own inputs/outputs (*Abstract, col. 3, line 52 – col. 4, line 10; col. 5, line 15 – col. 6, line 64; col. 8, line 62 – col. 9, line 13; col. 10, line 66 – col. 11, line 55; col. 12, lines 30-49*).

71. As to claim 10, Robins teaches, wherein said polling messages, the transmission interval between these messages, and the time limit between two messages are stored in a configuration file contained in both the said first and second means, possibly with several sets of such parameters being stored to serve different applications (*Abstract, col. 3, line 52 – col. 4, line 10; col. 5, line 15 – col. 6, line 64; col. 8, line 62 – col. 9, line 13; col. 10, line 66 – col. 11, line 55; col. 12, lines 30-49*).

72. As to claim 11, Robins teaches, characterized in that at initialization of said means, the parameters specific to an application are loaded into a RAM memory (*Abstract, col. 3, line 52 – col. 4, line 10; col. 5, line 15 – col. 6, line 64; col. 8, line 62 – col. 9, line 13; col. 10, line 66 – col. 11, line 55; col. 12, lines 30-49*).

73. As to claim 12, Robins teaches, characterized in that it includes means of alert to warn of a failure (*Abstract, col. 3, line 52 – col. 4, line 10; col. 5, line 15 – col. 6, line 64; col. 8, line 62 – col. 9, line 13; col. 10, line 66 – col. 11, line 55; col. 12, lines 30-49*).

74. As to claim 13, Robins teaches, wherein said network is a digital local area network (*Abstract, col. 3, line 52 – col. 4, line 10; col. 5, line 15 – col. 6, line 64; col. 8, line 62 – col. 9, line 13; col. 10, line 66 – col. 11, line 55; col. 12, lines 30-49*).

75. As to claim 14, Robins teaches, wherein said means of input/output data management are data routers (*Abstract, col. 3, line 52 – col. 4, line 10; col. 5, line 15 – col. 6, line 64; col. 8, line 62 – col. 9, line 13; col. 10, line 66 – col. 11, line 55; col. 12, lines 30-49*).

76. As to claim 15, Robins teaches, wherein said routers operate in open (Open Communication Processor) mode (*Abstract, col. 3, line 52 – col. 4, line 10; col. 5, line 15 – col. 6, line 64; col. 8, line 62 – col. 9, line 13; col. 10, line 66 – col. 11, line 55; col. 12, lines 30-49*).

77. As to claim 16, Robins teaches, wherein said means of input/output data management are data servers (*Abstract, col. 3, line 52 – col. 4, line 10; col. 5, line 15 – col. 6, line 64; col. 8, line 62 – col. 9, line 13; col. 10, line 66 – col. 11, line 55; col. 12, lines 30-49*).

Claim Rejections - 35 USC § 102

78. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102(e) that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

79. Claims 1-16 are rejected under 35 U.S.C. 102(e) as being anticipated by **Carlson et al. U.S. patent no. 6,697,849 B1.**

80. As to claim 1, Carlson, Systems And Method For Caching Javaserver Pages Responses, teaches substantially the invention as claimed, including

device for digital input and output data management (*JSP engine*), including first management means (*Application Server*) and second management means (*Application Server*) connected to each other via two interfaces, one a network and the other a standby line (*a network and connection line between application servers*), said means (*Application Servers*) mutually exchanging polling messages via these two interfaces, said first means being considered to be defective by said second means when they no longer sends messages during a given time interval on at least one of said two interfaces, characterized in that it includes at least one algorithm (*an administrative tool on the administrative server 208*) to reset said first and second means, the defective means being deactivated and the other means activated during the reset after detection of a failure (*Abstract, Fig. 15; col. 5, lines 28-67; col. 9, line 10 – col. 10, line 64; col. 16, line 50 – col. 18, line 4*).

81. As to claim 2, Carlson teaches, wherein said reset algorithm is included in said first means and is activated by said second means, the memory address of the algorithm being accessible from these second means (*Abstract, Fig. 15; col. 5, lines 28-67; col. 9, line 10 – col. 10, line 64; col. 16, line 50 – col. 18, line 4*).

82. As to claim 3, Carlson teaches, wherein said reset algorithm is also included in said second means (*Abstract, Fig. 15; col. 5, lines 28-67; col. 9, line 10 – col. 10, line 64; col. 16, line 50 – col. 18, line 4*).

83. As to claim 4, Carlson teaches, wherein on initialization of its operation, said first means have the role of master and said seconds means have the role of slave, with the master managing the input and output data (*Abstract, Fig. 15*;

col. 5, lines 28-67; col. 9, line 10 – col. 10, line 64; col. 16, line 50 – col. 18, line 4).

84. As to claim 5, Carlson teaches, wherein said means are connected to one or more systems via said network (*Abstract, Fig. 15; col. 5, lines 28-67; col. 9, line 10 – col. 10, line 64; col. 16, line 50 – col. 18, line 4*).

85. As to claim 6, Carlson teaches, wherein said means are connected to one or more systems via one or more serial links, a "Y split cable" connecting a given port of said first and second means to each system (*Abstract, Fig. 15; col. 5, lines 28-67; col. 9, line 10 – col. 10, line 64; col. 16, line 50 – col. 18, line 4*).

86. As to claim 7, Carlson teaches, wherein said means have the same functions and include the same software and same configuration files (*Abstract, Fig. 15; col. 5, lines 28-67; col. 9, line 10 – col. 10, line 64; col. 16, line 50 – col. 18, line 4*).

87. As to claim 8, Carlson teaches, wherein when one of said means are detected as being defective by the other means, the latter deactivate the defective means (*Abstract, Fig. 15; col. 5, lines 28-67; col. 9, line 10 – col. 10, line 64; col. 16, line 50 – col. 18, line 4*).

88. As to claim 9, Carlson teaches, wherein when said means detected as being defective are the master, said slave means deactivate the master's inputs/outputs and active their own inputs/outputs (*Abstract, Fig. 15; col. 5, lines 28-67; col. 9, line 10 – col. 10, line 64; col. 16, line 50 – col. 18, line 4*).

89. As to claim 10, Carlson teaches, wherein said polling messages, the transmission interval between these messages, and the time limit between two

messages are stored in a configuration file contained in both the said first and second means, possibly with several sets of such parameters being stored to serve different applications (*Abstract, Fig. 15; col. 5, lines 28-67; col. 9, line 10 – col. 10, line 64; col. 16, line 50 – col. 18, line 4*).

90. As to claim 11, Carlson teaches, characterized in that at initialization of said means, the parameters specific to an application are loaded into a RAM memory (*Abstract, Fig. 15; col. 5, lines 28-67; col. 9, line 10 – col. 10, line 64; col. 16, line 50 – col. 18, line 4*).

91. As to claim 12, Carlson teaches, characterized in that it includes means of alert to warn of a failure (*Abstract, Fig. 15; col. 5, lines 28-67; col. 9, line 10 – col. 10, line 64; col. 16, line 50 – col. 18, line 4*).

92. As to claim 13, Carlson teaches, wherein said network is a digital local area network (*Abstract, Fig. 15; col. 5, lines 28-67; col. 9, line 10 – col. 10, line 64; col. 16, line 50 – col. 18, line 4*).

93. As to claim 14, Carlson teaches, wherein said means of input/output data management are data routers (*Abstract, Fig. 15; col. 5, lines 28-67; col. 9, line 10 – col. 10, line 64; col. 16, line 50 – col. 18, line 4*).

94. As to claim 15, Carlson teaches, wherein said routers operate in open (Open Communication Processor) mode (*Abstract, Fig. 15; col. 5, lines 28-67; col. 9, line 10 – col. 10, line 64; col. 16, line 50 – col. 18, line 4*).

95. As to claim 16, Carlson teaches, wherein said means of input/output data management are data servers (*Abstract, Fig. 15; col. 5, lines 28-67; col. 9, line 10 – col. 10, line 64; col. 16, line 50 – col. 18, line 4*).

96. Further references of interest are cited on Form PTO-892, which is an attachment to this action.

97. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hai V. Nguyen whose telephone number is 703-306-0276. The examiner can normally be reached on 6:00-3:30 Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jack Harvey can be reached on 703-305-9705. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Hai V. Nguyen
Examiner
Art Unit 2142


JACK B. HARVEY
SUPERVISORY PATENT EXAMINER